

AO 91 (Rev. 02/09) Criminal Complaint

UNITED STATES DISTRICT COURT

for the
District of New Mexico

FILED
UNITED STATES DISTRICT COURT
ALBUQUERQUE, NEW MEXICO
JUL 25 2018

United States of America)

v.)

JOHNSON, David)

xxx-xx-6261)

Case No. 18 MJ 2392

Defendant

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date of 05/31/2018 in the county of Bernalillo in the _____ District ofNew Mexico, the defendant violated Title 18 U. S. C. § 922(g)(1)

, an offense described as follows:

On 05/31/2018, David JOHNSON, a convicted felon, unlawfully possessed a S&W, Bodyguard, .380 caliber pistol bearing serial number EAY5477 loaded with multiple rounds of .380 caliber ammunition that has traveled in and affected interstate commerce in violation of Title 18 U.S.C 922(g)(1).

This criminal complaint is based on these facts:

See Attached

☒ Continued on the attached sheet.


Complainant's signature

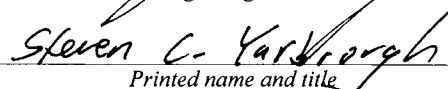
Rachel D. Alonzo, Special Agent, ATF

Printed name and title

Sworn to before me and signed in my presence.

Date: 07/25/2018City and state: Albuquerque, New Mexico


Judge's signature



Printed name and title

U.S. MAGISTRATE JUDGE

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Criminal Complaint - Continued.

United States of America

V.

JOHNSON, David

SSN: 6261

1. Rachel D. Alonzo, a Special Agent with the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF), being duly sworn, deposes and states:
2. I am a Special Agent with the Bureau of Alcohol, Tobacco and Firearms (ATF) I have been so employed since November 2016. Currently I am assigned to the Albuquerque I Field Office, Phoenix Field Division.
3. As a Special Agent, I received over six (6) months training at the Federal Law Enforcement Training Center (FLETC) in Glynco, GA encompassing firearms laws, firearms nomenclature and identification. In this capacity your Affiant investigates violations of federal criminal statutes, to include violations of federal firearms laws.
4. Prior to this Special Agent training I was an Industry Operations Investigator and an Industry Operations Intelligence Specialist with ATF. Your Affiant held the aforementioned positions for approximately 8 years under the ATF Kansas City Field Division and/or the ATF Dallas Field Division. Your Affiant received approximately 11 weeks of combined specialized training at FLETC and ATF Headquarters. Training encompassed Federal Firearms Regulations, laws, and intelligence-driven firearms investigations. In the course of my official duties, I have inspected Federal Firearms Licensees (FFLs), identified thousands of firearms, and investigated various cases involving illegal use and possession of firearms and the violation of Federal Firearms Regulations. I am both familiar with and involved with methods of firearms investigations, including, but not limited to, firearms identification, visual surveillance, and interviews. I also have assisted in the preparation and execution of arrest warrants and search warrants, and have participated in investigations encompassing violations related to subjects who are found to be in possession of illegal and altered firearms.
5. Your Affiant requests that an Arrest Warrant/Criminal Complaint be issued for the above named defendant based on the following information, which your Affiant believes to be true and accurate.
6. I am an investigative, or law enforcement officer of the United States within the meaning of Title 18, United States Code, Section 2510 (7), in that I am an officer of the United States who is empowered by law to conduct investigations and make arrests for the offenses enumerated in Titles 18 and 26, United States Code.

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7. The statements contained in this affidavit are based, in part, on information provided by Special Agents and/or Task Force Officers of the ATF and other law enforcement officers, and on my background and experience as a Special Agent of the ATF.
8. This affidavit is intended to show only that there is sufficient probable cause for the requested warrant and does not set forth all of my knowledge about this matter.

PROBABLE CAUSE

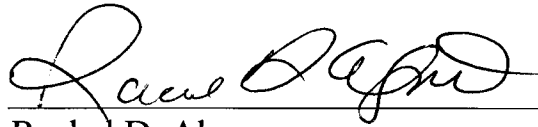
9. On May 31, 2018 APD Detectives of the Central Narcotics Unit executed a search warrant at 7301 Zuni Rd. SE Apt. #R, Albuquerque, NM, Bernalillo County. The SW was executed as part of the APD Central Narcotics Unit's ongoing investigation of drug trafficking. Prior to execution of the SW, APD identified David JOHNSON (B/M, 1970) and an unknown female to reside at the aforementioned address.
10. Per APD reports, APD Detectives approached the front door of 7301 Zuni Rd. SE Apt. #R, and knocked and announced their presence and purpose to execute a SW. Several moments passed without an answer at the front door. APD subsequently conducted a controlled entry of the apartment. APD did not contact individuals immediately upon entry of the residence (living room). However, APD Detectives later contacted two (2) individuals identified as JOHNSON and D. Alaniz lying in bed within the bedroom of the residence.
11. APD Detectives initiated a secondary search of the residence for evidentiary items. During the search, APD observed a firearm on the dresser, in full view and within less than four feet of JOHNSON and Alaniz. APD identified the firearm as a black S&W, Bodyguard, .380, pistol bearing serial number EAY5477. APD Detectives ran the pistol through NCIC and received confirmation the pistol was reported stolen. APD also located a full magazine with hollow point ammunition loaded inside the pistol.
12. During the search, one APD Detective was standing outside the balcony with JOHNSON. JOHNSON advised the Detective, without being questioned, that if anything was found it was "his and not hers".
13. Your Affiant reviewed and confirmed JOHNSON's status as a convicted felon. JOHNSON has two (2) previous felony convictions in cause numbers: D-202-CR-2002-02410 for the charge of Trafficking CS by Distribution and

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D-202-CR-2009-04686 for the charge of Conspiracy To Commit Trafficking, both out of the 2nd Judicial District Court, County of Bernalillo, State of New Mexico (NM).

14. On account of your Affiant's expertise and previous experience, your Affiant recognizes that commercial firearms, such as the S&W pistol aforementioned, are not manufactured in the state of New Mexico, thereby your Affiant opines that the S&W pistol traveled in and/or affected interstate and/or foreign commerce. An APD Forensic Examiner conducted an examination of the aforementioned pistol and advised your Affiant that when test fired, the pistol functioned as designed.
15. Your Affiant opines that there is probable cause to believe David JOHNSON did possess a S&W, Bodyguard, .380 caliber, pistol bearing serial number EAY5477, loaded with multiple rounds of ammunition in violation of Title 18 U.S.C. 922(g)(1).

Respectfully submitted,



Rachel D. Alonzo
Special Agent
ATF

Subscribed and sworn to before me
on July 25, 2018:


UNITED STATES MAGISTRATE JUDGE